

further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was 40 grains vinegar, to wit, a vinegar of 40 grains acid strength, whereas, in truth and in fact, it was not, but was a vinegar reduced by water to less than 40 grains acid strength.

On October 24, 1918, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30.

E. D. BALL, *Acting Secretary of Agriculture.*

7913. Alleged adulteration of tomato catsup. U. S. * * * v. 205 Cases of Tomato Catsup. Tried to the court. Judgment for the Frazier Packing Co., claimant. Product surrendered to the claimant. (F. & D. No. 8845. I. S. Nos. 10595-p, 10596-p. S. No. C-832.)

On March 6, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 305 cases of tomato catsup, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about December 5, 1917, by the Frazier Packing Co., Elwood, Ind., and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that it consisted in part of a decomposed vegetable substance.

On February 21, 1919, a demurrer filed by the Frazier Packing Co., as claimant, was overruled, and on the same day the same company joined issue by filing an answer. On February 22, 1919, the case having been tried before and submitted to the court, and the claimant, the Frazier Packing Co., having presented a motion for judgment in its favor, the court sustained the motion and ordered that the product be released by the United States marshal to the Frazier Packing Co.

E. D. BALL, *Acting Secretary of Agriculture.*

7914. Misbranding of "G Zit" Complete-Stearns'. U. S. * * * v. 60 Packages \$3 Size, 2 Packages \$6 Size, and 36 Packages \$11 Size of a Drug Labeled in Part "G Zit" Complete-Stearns'. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10664. I. S. No. 2930-r. S. No. W-431.)

On June 23, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 packages \$3 size, 2 packages \$6 size, and 36 packages \$11 size of a drug, labeled in part "'G Zit' Complete-Stearns,'" remaining unsold in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on September 6, 1916, and on October 26, 1917, by Stearns-Hollinshead Co. (Inc.), Portland, Oreg., and transported from the State of Oregon into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of samples of the article by the Bureau of Chemistry of this department showed that the bougies consisted of silver nucleinate in a cacao butter base, and that the antiseptics consisted of capsules containing copaiba balsam, oleoresin of cubebs, sulphurated oil, and a small amount of unidentified plant extractives.

Misbranding of the article was alleged in substance in the libel, in that the statements on the cartons inclosing and in the circulars and in the booklets accompanying the article, regarding the therapeutic and curative effects of the

article, to wit (carton) "‘G Zit’ Complete Stearns, A healing * * * preparation * * * less chance for complicated lasting disease when this treatment is used * * * We warn you during your diseased condition and for several months after all signs disappear * * *," (carton containing G Zit Antiseptics) "Remember: This Antiseptic acts on all germ life that may be lodged in the bladder * * *," (carton containing G Zit Bougies) "Less chance for complicated, lasting disease if this Treatment is used," (circular) "Zit Complete Stearns. Instructions for gonorrheal patients to cure yourself to prevent sexual disease spreading from the afflicted * * *" (booklet, in English and foreign languages) "Urethra * * * take medicine by mouth two days ahead of using any medicine in the urethra * * * (use Zit antiseptics urinary Stearns) * * * then you must use * * * Zit Bougies * * * This medicine does destroy the germ of gonorrhoea * * * For gonorrhoea use Zit Complete Stearns; Gonorrhoea neglected or wrongly treated is the cause of chronic prostatitis; therefore gonorrhoea patients should use Zit Complete Stearns * * *; Stricture * * * very often gleet is not more than a symptom of stricture * * * every case of stricture could be avoided * * * To avoid use Zit complete Stearns without * * * using other medicine; Seminal vesiculitis * * * to prevent it follow all directions * * * on labels of Zit Complete Stearns * * * till cure is final and complete," were false and fraudulent in that the article contained no ingredient or combination of ingredients which would be effective in accomplishing the results claimed in the above mentioned statements.

On January 14, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7915. Misbranding of The Texas Wonder. U. S. * * * v. 36 Packages of a Product Labeled in Part "The Texas Wonder." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10741. I. S. No. 7186-r. S. No. C-1352.)

On July 9, 1919, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 packages of a drug, labeled "The Texas Wonder," remaining unsold in the original unbroken packages at Louisville, Ky., consigned on or about May 3, 1919, by E. W. Hall, St. Louis, Mo., alleging that the article had been transported from the State of Missouri into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of oleoresin of copaiba, rhubarb, turpentine, guaiac, and alcohol.

Misbranding of the article was alleged in the libel in that the statements on the labels on the bottles containing, and in the circulars accompanying, the article, regarding the therapeutic or curative effects of the article, to wit, "The Texas Wonder * * * Directions * * * A Texas Wonder, Hall's Great Discovery for Kidney and Bladder Troubles. E. W. Hall, St. Louis, Mo.," were false and fraudulent.

On September 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*